

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**CRIMINAL NO. 1:05cr47-LG-RHW-001**

**WALTER RAY SMITH**

**ORDER GRANTING MOTION FOR SENTENCE  
REDUCTION UNDER 18 U.S.C. § 3582(c)(2)**

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This cause is before the Court on motion of the Federal Public Defender on behalf of the defendant, Walter Ray Smith, for a sentence reduction [23] pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission [Sentencing Commission] to make this amendment retroactive, pursuant to USSG § 1B1.10 effective March 3, 2008.

Smith was sentenced on June 26, 2006, following his plea of guilty to term of 70 months imprisonment, followed by 5 years of supervised release; and the mandatory special assessment of \$100.00. (Ct. R., Docs. 16, 19.) According to information provided by the United States Probation Office, Smith was eligible for the safety valve provision, making a mandatory minimum sentence of five years inapplicable. Based on the amended Sentencing Guidelines, the total offense level would become 25, and with Smith's criminal history category of I, his guideline imprisonment range would become 57 to 71 months.

The Court finds that the applicable sentence in this case should be 57 months, pursuant to the Court's authority under 18 U.S.C. § 3582(c)(2) and Federal Rule of Criminal Procedure 43(b)(4).

**IT IS THEREFORE ORDERED** that the motion for sentence reduction [23] pursuant to 18 U.S.C. § 3582(c)(2) be and is hereby granted. It is further,

**IT IS FURTHER ORDERED** that the Defendant Walter Ray Smith's sentence be, and is hereby, reduced from 70 months imprisonment to 57 months imprisonment.

**IT IS FURTHER ORDERED** that all other terms and provisions of the original judgment remain unchanged and in full force and effect.

**SO ORDERED AND ADJUDGED** this the 22<sup>nd</sup> day of May, 2008.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE